

REMARKS / ARGUMENTS

This is intended as a full and complete response to the Final Office Action dated June 25, 2007, having a shortened statutory period for response set to expire on September 25, 2007. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 37-56 are pending in the application. Claims 37-56 remain pending following entry of this response.

Interview Summary

On September 20, 2007, a telephonic interview was held between Gero G. McClellan, attorney for applicant, and Examiner Frederick C. Nicolas. The parties discussed claim 37 with respect to the cited references. No agreement with respect to claim 37 was reached at the time of the interview, but the Examiner agreed that filing a response to the final office action would provide the Examiner an appropriate opportunity to reconsider the issues.

Claim Rejections - 35 U.S.C. § 102

Claims 37, 41, 44 and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Gregg et al.* (USPN 6199599, hereinafter "*Gregg*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Gregg* does not disclose “each and every element as set forth in the claim”.

For example, and as previously pointed out the Applicants in their Response mailed April 17, 2007, *Gregg* does not disclose a system having a sealed chemical container apparatus and a recharge container apparatus in fluid communication with each other (via a second connection joint), a pressurization gas apparatus in fluid communication with the containers (via the first joint connection and third joint connection, respectively), and a purge gas apparatus adapted to deliver a purge gas from a source to the chemical container apparatus as recited in claim 37. Such an arrangement requires a separate pressurization gas apparatus and purge gas apparatus, and corresponding separate connections (connection joints). *Gregg* does not disclose such a system.

To the contrary, *Gregg* discloses that the pressurization gas source and the purge gas source are the same. In this regard, attention is directed to column 13, lines 1-40 where *Gregg* describes normal chemical delivery during processing followed by a purge cycle. During normal chemical delivery, *Gregg* states that “pressurized gas from a source (not shown) is released by regulator 32 into line 31”, as represented by dashed line 220 in FIG. 4B, in order to pressurize a canister 104 and cause a liquid chemical to flow up a dip tube. Column 13, lines 5-15; FIG. 4B. During the purge cycle, the regulator 32 once again allows the pressurized gas to enter line 31. See, column 13, lines 53-59 and FIG. 4F. The same arrangement is disclosed in the other embodiments of *Gregg* where the same gas (helium) is input to the same gas input 518/618/718, so that the pressurization gas (used during delivery of a chemical to a point of use) is the same as the purge gas (used during the purging cycle) and is delivered via the same connection infrastructure. Thus, *Gregg* does not teach, show or suggest a system in which at least two canisters are fluidly connected to two separate gas sources, one being a pressurized gas source and the other being a purge gas source, via separate connections (connection joints).

In his Final Office Action, the Examiner states that the foregoing arguments are not persuasive. In particular, the Examiner maintains that the claims “do not

require separate sources” and since a “single source performs both functions” (i.e., provision of a high pressure inert gas and a purge gas) the claimed limitations are met. Final Office Action, p. 3, paragraph 5. Respectfully, the Examiner’s reading of claim 37 is clearly erroneous. For clarity, the relevant portions of claim 37 are set forth here. Claim 37 provides:

“A chemical delivery system for delivering an ultrapure chemical to a point of use, comprising...

a source of a high pressure inert gas;

a pressurization gas apparatus adapted to receive the high pressure inert gas and deliver the high pressure inert gas to the chemical container apparatus and the recharge container apparatus;

a source of a purge gas, wherein the purge gas is the same as or different from the high pressure inert gas; a purge gas apparatus adapted to receive the purge gas and deliver the purge gas to the chemical container apparatus...”

Emphasis has been added to highlight the distinct sources of the high pressure inert gas and the purge gas. Applicants assume that the Examiner misconstrued the claim as a result of the recitation that “the purge gas is the same as or different from the high pressure inert gas”. However, the foregoing limitation merely recites that the gases themselves, as opposed to their respective sources, can be the same or different. Objectively, the claim is clear on its face – two separate sources are recited; one for the inert gas, another for the purge gas.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Allowable Subject Matter

Claims 38-40, 42 and 46-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 43 is allowed.

The Applicants thank the Examiner for giving notice that claims 38-40, 42, and 46-56 would be allowable if rewritten in independent form to include all of the

limitations of the base claim and any intervening claims. However, Applicants believe that because the base claims should be allowed for the reasons given above, it follows that the dependent objected to claims should also be allowed. Accordingly, allowance of claims 38-40, 42, and 46-56 is respectfully requested.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance, and allowance of the claims is respectfully requested. Early notice to this effect is earnestly solicited. If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact the undersigned attorney, Gero McClellan, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants